



DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request – Federal Claims Collection Methods for Supplemental Nutrition Assistance Program Recipient Claims

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this Notice invites the general public and other public agencies to comment on proposed information collections. This revision of an existing collection announces the intent of the Food and Nutrition Service to revise and continue the requirements associated with initiating and conducting Federal collection actions against households with delinquent Supplemental Nutrition Assistance Program (SNAP) recipient debts.

DATES: Written comments must be submitted on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] to be assured consideration.

ADDRESSES: Comments may be sent to Maribelle Balbes, Branch Chief, State Administration Branch, Program Accountability and Administration Division, Food and Nutrition Service, 5th floor, 703-605-4272, U.S. Department of Agriculture, 1320 Braddock Place, Alexandria, VA 22314. You may also download an electronic version of this notice at <http://www.fns.usda.gov/snap/federal-register-documents/rules/view-all> and comment via e-mail at SNAPSAB@fns.usda.gov or the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov> and follow the online instructions for submitting comments electronically. All written comments will be open for public inspection at the

office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 1320 Braddock Place, Alexandria, VA 22314, 5th floor.

All comments will be summarized and included in the request for Office of Management and Budget approval of the information collection. All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Evan Sieradzki at 703–605–3212.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate, automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Federal Claims Collection Methods for Supplemental Nutrition Assistance Program Recipient Claims

OMB Number: 0584-0446

Form Number: None

Expiration Date: November 30, 2022

Type of Request: Revision of a currently approved collection

Abstract: Section 13(b) of the Food and Nutrition Act of 2008, as amended (7 U.S.C. 2022(b)), and Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.18 require State agencies to refer delinquent debtors for SNAP benefit over-issuance to the U.S. Department of the Treasury for collection. The Debt Collection Improvement Act of 1996 (P.L. 104-134), as amended by the Digital Accountability and Transparency Act of 2014 (P.L. 113-101), requires these debts to be referred to Treasury for collection when they are 120 days or more delinquent. Through the Treasury Offset Program (TOP), 31 CFR Part 285, payments such as Federal income tax refunds, Federal salaries and other Federal payments payable to these delinquent debtors will be offset and the amount applied to the delinquent debt. TOP places a burden on State agencies and/or former SNAP recipients who owe delinquent debts in three areas: (1) 60-day notices from State agencies to debtors that their debt will be referred to TOP; (2) State-level submissions; and (3) automated data processing (ADP). Below, the burden narrative and chart depicts the burden estimates by these three areas and affected public.

TOP 60-Day Notice Burden

The burden associated with the information collection involves both the households (debtors) and the State agencies. The TOP 60-day notice notifies the household of the proposed referral to TOP and provides the right for review and appeal. The State agency prepares and mails the notices to households as well as responds to inquiries and appeals. The household, in turn, receives and reads the notice and may make an inquiry or appeal the impending action. Based on an average of the number of records for claims the States sent to TOP for calendar years 2018, 2019, and 2020, we estimate that State agencies will produce and send, and that households will read, 249,953 TOP 60-day notices. We estimate that the households will submit and State agencies will respond to about 17,497 phone and informal inquiries. Households will file and the States will respond to an estimated 1,499 appeals. An additional 2,458 notices will be sent directly from FNS to

Federal employees concerning the potential offset of their Federal salary. Historically, 30 percent of these notices will result in a phone inquiry from a household, and approximately 16 notices will result in a formal appeal to FNS requiring documentation from the State. Thus, the total number of responses for the 60-day notice and household inquiry is 547,650 responses (272,161 household responses + 275,489 State Agency responses) per year resulting in an annual reporting burden of 48,099.64 hours. The existing burden for activity relating to the 60-day notice is 56,653 hours. The net decrease of 8,553.36 hours is due to a decrease in the average number of 60-day notices sent to debtors by State agencies between 2018 and 2020.

TOP State-level Submissions

Treasury prescribes specific processes and file formats for FNS to use to send debts to TOP. FNS provides guidance and file formats to State agencies and monitors their compliance with such. State agencies must submit an annual letter to FNS certifying that all of the debts submitted in the past and all debts to be submitted in the upcoming calendar year by the State agency to TOP are valid and legally enforceable in the amount stated. FNS estimates that it will take State agencies a total of 26.5 hours per year for these State submissions. This burden has not changed with this revision. The burden requirements associated with establishing claims (demand letters) and for reporting activity with the FNS-209 (648 burden hours and 212 total annual responses) are already approved under the information collections for SNAP Repayment Demand and Program Disqualification (OMB burden numbers 0584-0492, expiration date 07/31/2024; and 0584-0594, expiration date 07/31/2023, respectively) and therefore, not duplicated in this request.

TOP ADP Burden

The burden for ADP includes weekly file processing, monthly address requests and system maintenance. Weekly and monthly file processing includes requesting addresses to use to send out 60-day notices, adding and maintaining debts in TOP, correcting errors on unprocessable records, and posting weekly collection files. Much of this activity is completed using automation and involves an estimated 1.4 million records annually. FNS estimates that this activity takes 12,374.82 annual reporting hours. Per 7 CFR 272.1(f), State agencies are required to retain all records associated with the administration of SNAP for no less than 3 years. The burden for the retention of weekly TOP files is estimated to take each of the 53 State agencies approximately 15 minutes per week, or 689 recordkeeping burden hours. These burden estimates have not changed with this revision.

Summary of Estimated Burden

The net aggregate change from the existing to the revised annual burden for this entire Information Collection is a decrease of 7,864.36 hours from the previous submission. For the activity relating to the 60-day notice, we are decreasing the estimated annual burden for State agencies and households from 56,653 hours to 48,099.64 hours to reflect a decrease in the number of notices and the resulting inquiries and appeals. The State-level submissions portion of the reporting and recordkeeping burden is estimated to require the same number of hours as the currently approved collection, 26.5 hours. The annual ADP portion of this burden package is also estimated to require the same number of hours as the currently approved collection, 12,374.82 reporting and 689 recordkeeping hours. This results in a final total of 48,788.64 annual burden hours.

REPORTING BURDEN:

Affected Public: Individuals/Households (respondent type – Debtors)

Estimated Number of Respondents: 272,161

Estimated Number of Responses per Respondent: 1.00

Estimated Total Number of Annual Responses: 272,161

Estimated Hours per Response: 0.096974

Estimated Total Annual Burden: 26,392.43 hours

Affected Public: State, Local or Tribal government

Estimated Number of Respondents: 53

Estimated Number of Responses per Respondent: 5,197.91

Estimated Total Number of Annual Responses: 275,489

Estimated Hours per Response: .08

Estimated Total Annual Burden: 21,707.21 hours

STATE AGENCY RECORDKEEPING BURDEN

Affected Public: State, Local or Tribal government

Estimated Number of Respondents: 53

Estimated Number of Responses per Respondent: 52

Estimated Total Number of Annual Responses: 2,756

Estimated Hours per Response: .25

Estimated Total Annual Burden: 689

REPORTING AND RECORDKEEPING BURDEN ESTIMATES:

SECTION OF REG	DESCRIPTION	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL ANNUAL RESPONSES	HOURS PER RESPONSE	TOTAL ANNUAL BURDEN HOURS
Households (Debtors)						
A. Due-Process Notice Requirements						
273.18(n)(2)	Reading State Issued Notice	249,953	1.00	249,953	0.0835	20,871.10
	Informal Inquiries to State	17,497	1.00	17,497	0.25	4,374.19
	Formal Appeals to State	1,499	1.00	1,499	0.50	749.29
	Reading FNS issued letter to Federal employees	2,458	1.00	2,458	0.0835	205.28
	Phone Inquires and informal appeals for FNS letter	738	1.00	738	0.25	184.38
	Formal appeals to FNS	16	1.00	16	0.5	8.19
Totals		272,161	1.00	272,161	0.096974	26,392.43
State Agencies						
A. Due-Process Notice Requirements						
	State Notice Production	53	4,716.10	249,953	0.0167	4,174.22
	Responding to State Phone/informal Inquires	53	330.13	17,497	0.25	4,374.19

273.18(n)(2)	Responding to State Formal Appeals	53	28.28	1,499	0.50	749.29
	Providing documents for formal appeals to FNS	53	0.31	16	0.50	8.19
B. State Agency Reporting						
273.18(n)(1)(ii)	Certification Letter	53	1.00	53	0.50	26.50
C. TOP Automated Data Processing						
273.18(n)(1) 273.18(n)(4)	System Compatibility File	53	1.00	53	11.50	609.50
	Address File	53	8.00	424	1.6346	693.07
	Collections File	53	8.00	424	6.50	2,756.00
	State Agency Profile	53	1.00	53	0.25	13.25
	Testing New System	5	1.00	5	7.00	35.00
	Weekly Files	53	52.00	2,756	1.50	4,134.00
	Weekly Files - Post TOP Data	53	52.00	2,756	1.50	4,134.00
Totals		53	5,197.91	275,489	0.08	21,707.21
Overall Totals		272,214	2.01	547,650	0.09	48,099.64

CFR 272.1(f) STATE AGENCY RECORDKEEPING ONLY				
NO. OF RECORD-KEEPERS	ANNUAL RECORDS PER Recordkeeper	TOTAL RECORDS PER Recordkeeper	HOURS PER RECORD	TOTAL RECORD-KEEPING Burden
53	52	2,756	0.25	689.00

Cynthia Long,

Administrator,

Food and Nutrition Service.

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